

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

RICHARD L. SIMMONS,

Plaintiff,

v.

DANNY DODSON, et al.,

Defendants,

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 1:14CV167 ACL

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion to substitute party. On May 5, 2015, defendant Janet Warren filed a suggestion of death concerning defendant Danny Dodson, who was formerly a medical officer for the Pemiscot County Jail (the "Jail"). Under Rule 25(a)(1) of the Federal Rules of Civil Procedure, plaintiff had ninety days to file an appropriate motion to substitute party. On July 20, 2015, plaintiff moved to substitute Thomas Greenwell, the Sheriff of Pemiscot County, for Dodson. Plaintiff contends, without any evidence or legal authority, that Greenwell is Dodson's proper successor.

Defendant argues that Greenwell is not the lawful successor under Missouri law because he has not been appointed as Dodson's personal representative.

The only connection between Dodson and Greenwell appears to be that Greenwell supervised the Jail, where Dodson worked. Greenwell is not an interested party, and substitution under Rule 25 is not proper.

Accordingly,

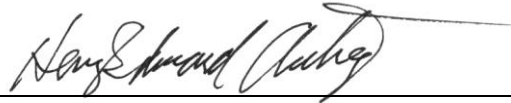
**IT IS HEREBY ORDERED** that plaintiff's motion to substitute parties [ECF No. 61] is **DENIED**.



**IT IS FURTHER ORDERED** that Danny Dodson is **DISMISSED** from this action.

An Order of Partial Dismissal will be filed separately.

Dated this 12<sup>th</sup> day of August, 2015.

A handwritten signature in black ink, reading "Henry Edward Autrey", is positioned above a horizontal line. The signature is written in a cursive style with a long, sweeping horizontal stroke extending to the right.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE